



**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

Office of Inspector General
Washington, D.C. 20590

September 27, 2013

Mr. Michael Morisy
MuckRock News
DEPT MR 3335
PO Box 55819
Boston, MA 02205-5819

RE: FOIA Control No: FI-2013-0120

Dear Mr. Morisy:

This letter acknowledges receipt of your faxed Freedom of Information Act (FOIA) request dated September 1, 2013, sent to the U.S. Department of Transportation (DOT), Office of the Inspector General (OIG).

Your request has been entered into the U.S. Department of Transportation, Office of Inspector General's FOIA processing system. In your request you ask for the following information for each of a list of 51 DOT OIG closed investigations:

“The Executive Summary only of each of the following documents: the Closing Memo, the Report of Investigation, the Final Report, and the Referral Memo”

Please understand that in the DOT OIG we do not have a specific document or document section titled “Executive Summary.” Also, we usually only have one of the other requested documents in each file. For example, one case would not have both a “Referral Memo” and a “Report of Investigation.” Therefore, I interpret your request to mean you want the synopsis and final action on each of the requested cases. I will process the portion of each case file that is responsive. Please contact me if this is not the case.

In our preliminary search, we have located a voluminous amount of records which may be responsive to your request. Due to the need to examine a voluminous amount of records, your request falls within “unusual circumstances.” See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii). Because of these unusual circumstances, we need to extend the time limit to respond to your request beyond the ten additional days provided by the statute. The time needed to process your request will necessarily depend on the volume and complexity of the records located. In an effort to respond more quickly to you, you may wish to narrow the scope of your request to limit the number of potentially responsive records or agree to an alternative time frame for processing.

Also, you requested a waiver of all fees. There are certain criteria that must be met in order to be eligible for a fee waiver. MuckRock did not meet the criteria to be entitled to a fee waiver. We therefore deny your request for a fee waiver.

Additionally, MuckRock did not qualify for the “Media Status” category. We are providing you with a fee estimate for requesters that fall in the “All Others” category. Pursuant to FOIA regulations, we are to assess applicable fees which consist of reasonable charges for document search, review, and

duplication.¹ The DOT FOIA Regulations direct that search and review times are charged at \$23.00 an hour when performed by employees within the pay range of GS-1 through GS-8 and \$50.00 an hour when performed by employees at the pay range of GS-9 through GS-14. The estimated fee for search is \$1,275 (1 GS-11 and 1 GS-14 for 25.5 hours @ \$50.00 per hour or ½ hour per requested case). The review will be performed at the GS-12 level @ \$50.00 per hour. The estimated cost of the review is \$5,100 (1 GS-12 for 102 hours @ \$50.00 per hour or 2 hours per requested case). Therefore, the total estimate for search and review is \$6,375. This estimate does not include the cost of reproducing documents because until the initial search is complete, we have no way to estimate how many documents would need to be released.

Please let us know if you are willing to pay the estimated fee for search and review, or if you would like to modify your request. Please respond by October 11. If we do not hear from you, we will consider your request withdrawn.

We will further process your request upon receiving your response. Once the review has been completed, we will determine the actual releasable pages, the format of release and calculate the copying cost, if any, and compute the total cost of processing your request. At that time we will request payment.

Please be aware that not all responsive documents are necessarily releasable under the FOIA.

If you have any questions regarding this message, please contact me at either (202) 366-6131 or by email at angel.simmons@oig.dot.gov and reference the FOIA control number above. You may also contact our FOIA Public Liaison, David Wonnenberg, at either (202)366-1544 or david.wonnenberg@oig.dot.gov to discuss any aspect of your request.

Sincerely,



Angel Simmons
OIG FOIA/Privacy Act Officer

¹ See 5 U.S.C. § 552(a)(4)(A)(ii)(III)
49 CFR § 7.43.